

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>JOSEPH &amp; GINA HABER,</b> <i>individually and on behalf of all others</i> <i>similarly situated,</i> <div style="text-align: right;"><i>Plaintiffs,</i></div> <div style="text-align: center;">v.</div> <b>BANK OF AMERICA, N.A., and</b> <b>REDC DEFAULT SOLUTIONS,</b> <div style="text-align: right;"><i>Defendants.</i></div>	: : : : : : : : : : : :	<b>CIVIL ACTION</b>          <b>No. 14-0169</b>
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**ORDER**

**AND NOW**, this 27th day of June, 2014, upon consideration of REDC Default Solutions’ (“REDC”) and Bank of America’s (“BOA”) Motions to Dismiss (Docket Nos. 14 & 15), the Habers’ Responses thereto (Docket Nos. 21 & 22), REDC’s Reply (Docket No. 24), and oral argument held on June 25, 2014, **the Court hereby ORDERS that the Motions are GRANTED IN PART and DENIED IN PART such that—**

1. **Count II** of the Habers’ Complaint is **DISMISSED** without prejudice;
2. **Counts I and III** of the Habers’ Complaint **SURVIVE**; *and*
3. BOA and REDC shall **ANSWER** the Habers’ Complaint within the time prescribed by the Federal Rules of Civil Procedure.

**It is FURTHER ORDERED that—**

4. Counsel for the parties shall appear in Chambers for a **status and scheduling conference at 4:00 PM on Wednesday, July 23, 2014**; *and*

5. In advance of and in preparation for the status conference, the counsel for the parties shall meet and confer and submit directly to Chambers,<sup>1</sup> by no later than **5:00 PM on Monday, July 21, 2014**, a Joint Status Report.<sup>2</sup>

BY THE COURT:

S/Gene E.K. Pratter  
GENE E.K. PRATTER  
United States District Judge

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<sup>1</sup> Chambers of Judge Gene E.K. Pratter, Room 10613, United States Courthouse, 601 Market Street, Philadelphia 19106. Telephone: 267-299-7350. Fax: 267-299-5070.

<sup>2</sup> See Template and Expectations for Joint Report of Rule 26(f) Meeting and Proposed Discovery Plan, <https://www.paed.uscourts.gov/documents/procedures/prapol5.pdf>.